

2 SSB 5533 - S AMD - 124
3 By Senator Fairley

4 ADOPTED 3/11/99

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that Washington
8 employers are having difficulty finding qualified applicants for jobs,
9 particularly those requiring specialized skills. Many businesses are
10 being forced to curtail expansion in Washington state.

11 The legislature finds that business surveys indicate that the
12 availability of a skilled work force is the most important factor in
13 business location decisions, particularly for high wage employers. Our
14 state's rural development strategy requires a work force focus. Now
15 more than ever, we need to have an explicit work force development
16 strategy linked with our state economic development efforts.

17 The legislature also finds that the consequences for failing to
18 upgrade the skills of our workers are enormous. Family incomes are
19 increasingly linked with skills and training and those who cannot
20 access training and education will continue to see declines in their
21 income.

22 The legislature further finds that in order to succeed we must have
23 a system of lifelong learning that allows workers to upgrade their
24 skills while continuing to work. To achieve that goal we must have a
25 work force development system that is linked directly to jobs, is
26 easily accessible to working families, and can be accessed according to
27 their own schedules. Perhaps more importantly, training and education
28 must be skills-based and certified so that workers can attain certified
29 skills that allow them to move up the job ladder over their lifetime.

30 The legislature recognizes that programs that prepare individuals
31 for the work force, beginning with secondary vocational education in
32 school and continuing through postsecondary education, apprenticeships,
33 and programs for the disadvantaged, persons with disabilities, and for
34 dislocated workers, must be a coordinated system that enables
35 individuals to obtain skills demanded by employers, and enables

1 individuals to smoothly move back and forth between work force
2 development programs and employment.

3 To support that challenge a work force development system must
4 focus on customer service and performance accountability. The
5 following principles shall govern the work force development system:

6 (1) Provide consumers and policymakers ready access to information
7 in order to make informed decisions related to training and employment;

8 (2) Create a work force development system based on a coherent
9 economic development strategy;

10 (3) Hold the work force delivery system accountable for improved
11 results in employment, earnings, skills gains, and customer
12 satisfaction;

13 (4) Provide universal access to persons with disabilities,
14 students, job seekers, and employers in order to hasten the time
15 between job openings and jobs filled;

16 (5) Develop a strong leadership role for the private sector at the
17 state and local levels;

18 (6) Establish and maintain state and local flexibility to ensure
19 responsiveness to individuals and communities;

20 (7) Engage in a systematic effort to integrate the multiple
21 programs and services that comprise the work force development system,
22 including activities implemented through the state-wide one stop
23 delivery system; and

24 (8) Strengthen the capacity of local communities to strategically
25 guide work force development in their area and to shape local work
26 force development policies.

27 **Sec. 2.** RCW 28C.18.010 and 1996 c 99 s 2 are each amended to read
28 as follows:

29 Unless the context clearly requires otherwise, the definitions in
30 this section apply throughout this title.

31 (1) "Board" means the work force (~~((training and education~~
32 ~~coordinating))~~ development board.

33 (2) "Director" means the director of the work force (~~((training and~~
34 ~~education coordinating))~~ development board.

35 (3) (~~("Training system" means programs and courses of secondary~~
36 ~~vocational education, technical college programs and courses, community~~
37 ~~college vocational programs and courses, private career school and~~
38 ~~college programs and courses, employer sponsored training, adult basic~~

1 ~~education programs and courses, programs and courses funded by the job~~
2 ~~training partnership act, programs and courses funded by the federal~~
3 ~~vocational act, programs and courses funded under the federal adult~~
4 ~~education act, publicly funded programs and courses for adult literacy~~
5 ~~education, and apprenticeships, and programs and courses offered by~~
6 ~~private and public nonprofit organizations that are representative of~~
7 ~~communities or significant segments of communities and provide job~~
8 ~~training or adult literacy services.)) "Operating agencies" means those~~
9 ~~state agencies represented on the work force development board and any~~
10 ~~others responsible for the governance and management of state and~~
11 ~~federal work force development programs.~~

12 (4) "Work force development system" means public and private
13 programs that use state or federal funds to prepare workers for
14 employment, upgrade worker skills, retrain workers, or provide
15 employment or retention services for workers or employers. "Work force
16 development system" includes, but is not limited to, secondary
17 vocational education, community and technical college vocational
18 education, private career school and college vocational programs,
19 employer-sponsored training, work-related adult basic education and
20 literacy programs, training and work-related activities of the state
21 temporary assistance for needy families program, or successor program,
22 programs funded by Title 1B of the federal work force investment act,
23 activities funded under the federal Wagner-Peyser act, programs funded
24 by the federal vocational education act, work-related programs funded
25 under the adult education and family literacy act, publicly funded
26 programs for work-related adult literacy, education, and
27 apprenticeships, the one-stop system, the state job skills program,
28 timber retraining benefits, the work-related components of the state
29 vocational rehabilitation program and the department of services for
30 the blind, and programs offered by private and public nonprofit
31 organizations that are representative of communities or significant
32 segments of communities and provide job training or work-related adult
33 literacy services.

34 (5) "Work force skills" means skills developed through applied
35 learning that strengthen and reinforce an individual's academic
36 knowledge, critical thinking, problem solving, and work ethic and,
37 thereby, develop the employability, occupational skills, and management
38 of home and work responsibilities necessary for economic independence.

1 ~~((+5))~~ (6) "Vocational education" means organized educational
2 programs offering a sequence of courses which are directly related to
3 the preparation or retraining of individuals in paid or unpaid
4 employment in current or emerging occupations requiring other than a
5 baccalaureate or advanced degree. ~~((Sueh))~~ These vocational education
6 programs shall include competency-based applied learning which
7 contributes to an individual's academic knowledge, higher-order
8 reasoning, and problem-solving skills, work attitudes, general
9 employability skills, and the occupational-specific skills necessary
10 for economic independence as a productive and contributing member of
11 society. Such term also includes applied technology education.

12 ~~((+6))~~ (7) "Adult basic education" means ~~((instruction designed to~~
13 ~~achieve mastery of skills in reading, writing, oral communication, and~~
14 ~~computation at a level sufficient to allow the individual to function~~
15 ~~effectively as a parent, worker, and citizen in the United States,~~
16 ~~commensurate with that individual's actual ability level, and includes~~
17 ~~English as a second language and preparation and testing service for~~
18 ~~the general education development exam))~~ (a) adult education and
19 literacy services, including work force literacy services; (b) family
20 literacy services; and (c) English literacy services as defined in P.L.
21 105-220, Title II, that enable eligible adults to speak, read, and
22 write in the English language, compute, solve problems, and relate
23 effectively with others in order to exercise the rights and
24 responsibilities of a family member, worker, and community member.

25 (8) "Local work force development councils" means the same as
26 defined in P.L. 105-220, Sec. 117 and are responsible for performing
27 the duties of that section as well as developing and ensuring the
28 implementation of a local area unified plan for state purposes as
29 defined in this chapter.

30 **Sec. 3.** RCW 28C.18.020 and 1991 c 238 s 3 are each amended to read
31 as follows:

32 (1) There is hereby created the work force ~~((training and education~~
33 ~~coordinating))~~ development board as a state agency ~~((and as the~~
34 ~~successor agency to the state board for vocational education. Once the~~
35 ~~coordinating board has convened, all references to the state board for~~
36 ~~vocational education in the Revised Code of Washington shall be~~
37 ~~construed to mean the work force training and education coordinating~~
38 ~~board, except that reference to the state board for vocational~~

1 education in RCW 49.04.030 shall mean the state board for community and
2 technical colleges)).

3 (2)(a) The board shall consist of ((~~nine~~)) eighteen voting members
4 appointed by the governor with the consent of the senate, as follows:
5 ((~~Three~~)) Five representatives of business, ((~~three~~)) five
6 representatives of labor, a representative of private career schools,
7 a representative of community-based organizations, a representative of
8 local elected officials, and, serving as ex officio members, the
9 superintendent of public instruction, the executive director of the
10 state board for community and technical colleges, ((and)) the
11 commissioner of the employment security department, the secretary of
12 the department of social and health services, and the director of the
13 department of community, trade, and economic development. ((The chair
14 of the board shall be a nonvoting member selected by the governor with
15 the consent of the senate, and shall serve at the pleasure of the
16 governor. In selecting the chair, the governor shall seek a person who
17 understands the future economic needs of the state and nation and the
18 role that the state's training system has in meeting those needs.))
19 Each ((voting)) member of the board may appoint a designee to function
20 in his or her place with the right to vote. Representatives of
21 business and labor must constitute a majority of those casting votes on
22 any given vote. In ((making appointments to)) recruiting members for
23 the board, the governor shall seek to ensure geographic, ethnic, and
24 gender diversity and balance. The governor shall also seek to ensure
25 diversity and balance by ((the appointment of)) recruiting persons with
26 disabilities.

27 (b) The business representatives shall be selected from among
28 nominations provided by ((a)) state-wide business organizations
29 representing a cross-section of industries and small businesses. One
30 of the business representatives will serve as the chair of the board on
31 a rotating basis with one of the labor representatives. However, the
32 governor may request, and the organization shall provide, an additional
33 list or lists from which the governor shall select the business
34 representatives. ((The nominations and selections)) Recruitment shall
35 reflect the cultural diversity of the state, including women, people
36 with disabilities, and racial and ethnic minorities, and diversity in
37 sizes of businesses.

38 (c) The labor representatives shall be selected from among
39 nominations provided by state-wide labor organizations. One of the

1 labor representatives will serve as the chair of the board on a
2 rotating basis with one of the business representatives. However, the
3 governor may request, and the organizations shall provide, an
4 additional list or lists from which the governor shall select the labor
5 representatives. ~~((The nominations and selections))~~ Recruitment shall
6 reflect the cultural diversity of the state, including women, people
7 with disabilities, and racial and ethnic minorities.

8 (d) Each business member may cast a proxy vote or votes for any
9 business member who is not present and who authorizes in writing the
10 present member to cast such vote.

11 (e) Each labor member may cast a proxy vote for any labor member
12 who is not present and who authorizes in writing the present member to
13 cast such vote.

14 (f) ~~((The chair shall appoint to the board one nonvoting member to~~
15 ~~represent racial and ethnic minorities, women, and people with~~
16 ~~disabilities. The nonvoting member appointed by the chair shall serve~~
17 ~~for a term of four years with the term expiring on June 30th of the~~
18 ~~fourth year of the term.~~

19 ~~(g))~~ The business members of the board shall serve for terms of
20 four years, the terms expiring on June 30th of the fourth year of the
21 term except that in the case of initial members, one shall be appointed
22 to a two-year term and one appointed to a three-year term.

23 ~~((h))~~ (g) The labor members of the board shall serve for terms of
24 four years, the terms expiring on June 30th of the fourth year of the
25 term except that in the case of initial members, one shall be appointed
26 to a two-year term and one appointed to a three-year term.

27 (h) The private career school representative shall be selected from
28 among nominations provided by a state-wide organization representing a
29 cross-section of private career schools. The private career school,
30 community-based organization, and local elected officials
31 representatives shall serve for terms of four years, the terms expiring
32 on June 30th of the fourth year of the term except that in the case of
33 initial members, one shall be appointed to a two-year term and one
34 appointed to a three-year term.

35 (i) Any vacancies among board members representing business ~~((or)),~~
36 labor, or private career schools shall be filled by the governor with
37 nominations provided by state-wide organizations representing business
38 ~~((or)),~~ labor, or private career schools, respectively.

1 (j) The board shall adopt bylaws and shall meet at least bimonthly
2 and at such other times as determined by the chair who shall give
3 reasonable prior notice to the members or at the request of a majority
4 of the ~~((voting))~~ members.

5 (k) Members of the board shall be compensated in accordance with
6 RCW 43.03.040 and shall receive travel expenses in accordance with RCW
7 43.03.050 and 43.03.060.

8 ~~(l) ((The board shall be formed and ready to assume its
9 responsibilities under this chapter by October 1, 1991.~~

10 ~~(m))~~ The director of the board shall be appointed by the governor
11 ~~((from a list of three names submitted by a committee made up of the
12 business and labor members of the board. However, the governor may
13 request, and the committee shall provide, an additional list or lists
14 from which the governor shall select the director. The lists compiled
15 by the committee shall not be subject to public disclosure. The
16 governor may dismiss the director only with the approval of a majority
17 vote of the board. The board, by a majority vote, may dismiss the
18 director with the approval)), shall serve at the pleasure of the
19 governor, and shall be confirmed by the senate.~~

20 ~~((3) The state board for vocational education is hereby abolished
21 and its powers, duties, and functions are hereby transferred to the
22 work force training and education coordinating board. All references
23 to the director or the state board for vocational education in the
24 Revised Code of Washington shall be construed to mean the director or
25 the work force training and education coordinating board.))~~

26 **Sec. 4.** RCW 28C.18.030 and 1996 c 99 s 3 are each amended to read
27 as follows:

28 The purpose of the board is to ~~((provide planning, coordination,
29 evaluation, monitoring, and policy analysis for the state training
30 system as a whole, and advice to the governor and legislature
31 concerning the state training system, in cooperation with the state
32 training system and the higher education coordinating board))~~ develop
33 policies that create an integrated state work force development system
34 that links people to jobs, allows them access to training and
35 education, and provides an opportunity to move up the job ladder over
36 their lifetime. The board shall plan, promote cooperation, measure
37 performance, evaluate, and provide policy analysis for the state work
38 force development system as a whole, and advise the governor and the

1 legislature concerning the state's work force development system in
2 cooperation with the operating agencies of the work force development
3 system.

4 **Sec. 5.** RCW 28C.18.040 and 1994 c 154 s 307 are each amended to
5 read as follows:

6 (1) The director shall serve as chief executive officer of the
7 board who shall administer the provisions of this chapter, employ such
8 personnel as may be necessary to implement the purposes of this
9 chapter, and utilize staff of existing operating agencies to the
10 fullest extent possible.

11 ~~((The director shall not be the chair of the board.~~

12 ~~(3))~~ Subject to the approval of the board, the director shall
13 appoint necessary deputy and assistant directors and other staff who
14 shall be exempt from the provisions of chapter 41.06 RCW. The
15 director's appointees shall serve at the director's pleasure on such
16 terms and conditions as the director determines but subject to chapter
17 42.52 RCW.

18 ~~((4))~~ (3) The director shall appoint and employ such other
19 employees as may be required for the proper discharge of the functions
20 of the board.

21 ~~((5) The director shall, as permissible under P.L. 101-392, as~~
22 ~~amended, integrate the staff of the council on vocational education,~~
23 ~~and contract with the state board for community and technical colleges~~
24 ~~for assistance for adult basic skills and literacy policy development~~
25 ~~and planning as required by P.L. 100-297, as amended.))~~

26 **Sec. 6.** RCW 28C.18.050 and 1995 c 130 s 3 are each amended to read
27 as follows:

28 (1) The board shall be designated as the state work force
29 investment board described in P.L. 105-220, the work force investment
30 act of 1998, and shall perform such functions as necessary to comply
31 with federal directives pertaining to this law. In order to comply
32 with the regulations of P.L. 105-220, the governor may designate the
33 board membership structure of the work force training and education
34 coordinating board as it existed as of December 31, 1997, as the work
35 force investment board specifically to carry out the provisions of
36 P.L. 105-220.

1 (2) The board shall be designated as the state board of vocational
2 education as provided for in P.L. ((98-524)) 105-332, as amended, and
3 shall perform such functions as is necessary to comply with federal
4 directives pertaining to the provisions of such law. The board shall
5 establish a subcommittee consisting of the superintendent of public
6 instruction, the executive director of the state board for community
7 and technical colleges, one business representative, and one labor
8 representative to study and make recommendations to the board on the
9 use of funds provided under P.L. 105-332.

10 ((+2)) (3) The board shall perform the functions of the human
11 resource investment council as provided for in the federal job training
12 partnership act, P.L. 97-300, as amended.

13 ((+3)) (4) The board shall provide policy advice for any federal
14 act pertaining to work force development that is not required by state
15 or federal law to be provided by another state body.

16 ((+4)) (5) Upon enactment of new federal initiatives relating to
17 work force development, the board shall advise the governor and the
18 legislature on mechanisms for integrating the federal initiatives into
19 the state's work force development system and make recommendations on
20 the legislative or administrative measures necessary to streamline and
21 coordinate state efforts to meet federal guidelines.

22 ((+5)) (6) The board shall ((monitor)) review for consistency with
23 the state ((comprehensive plan for work force training and education
24 the policies and plans established by the state job training
25 coordinating council)) unified plan, the policies and plans established
26 by the advisory council on adult education, and the Washington state
27 plan for adult literacy and basic ((education)) skills, and provide
28 guidance for making such policies and plans consistent with the state
29 ((comprehensive)) unified plan for work force ((training and
30 education)) development system.

31 (7) The board shall perform the functions of the job training
32 coordinating council until July 1, 2000.

33 (8) Recommend to the governor the performance accountability system
34 required by P.L. 105-220 or successor legislation.

35 (9) For the purposes of P.L. 105-332, the superintendent of public
36 instruction shall have operating responsibility for secondary education
37 and the state board for community and technical colleges shall have
38 operating responsibility for postsecondary vocational and technical
39 education.

1 (10) The board shall include the director of the department of
2 services for the blind to the extent required by P.L. 105-220.

3 **Sec. 7.** RCW 28C.18.060 and 1996 c 99 s 4 are each amended to read
4 as follows:

5 The board, in cooperation with the operating agencies of the state
6 training system and private career schools and colleges shall:

7 ~~(1) ((Concentrate its major efforts on planning, coordination~~
8 ~~evaluation, policy analysis, and recommending improvements to the~~
9 ~~state's training system.~~

10 ~~(2) Advocate for the state training system and for meeting the~~
11 ~~needs of employers and the work force for work force education and~~
12 ~~training.~~

13 ~~(3) Establish and maintain an inventory of the programs of the~~
14 ~~state training system, and related state programs, and perform a~~
15 ~~biennial assessment of the vocational education, training, and adult~~
16 ~~basic education and literacy needs of the state; identify ongoing and~~
17 ~~strategic education needs; and assess the extent to which employment,~~
18 ~~training, vocational and basic education, rehabilitation services, and~~
19 ~~public assistance services represent a consistent, integrated approach~~
20 ~~to meet such needs.~~

21 ~~(4) Develop and maintain a state comprehensive plan for work force~~
22 ~~training and education, including but not limited to, goals,~~
23 ~~objectives, and priorities for the state training system, and review~~
24 ~~the state training system for consistency with the state comprehensive~~
25 ~~plan. In developing the state comprehensive plan for work force~~
26 ~~training and education, the board shall use, but shall not be limited~~
27 ~~to: Economic, labor market, and populations trends reports in office~~
28 ~~of financial management forecasts; joint office of financial management~~
29 ~~and employment security department labor force, industry employment,~~
30 ~~and occupational forecasts; the results of scientifically based~~
31 ~~outcome, net impact and cost benefit evaluations; the needs of~~
32 ~~employers as evidenced in formal employer surveys and other employer~~
33 ~~input; and the needs of program participants and workers as evidenced~~
34 ~~in formal surveys and other input from program participants and the~~
35 ~~labor community.~~

36 ~~(5) In consultation with the higher education coordinating board,~~
37 ~~review and make recommendations to the office of financial management~~
38 ~~and the legislature on operating and capital facilities budget requests~~

1 for operating agencies of the state training system for purposes of
2 consistency with the state comprehensive plan for work force training
3 and education.

4 (6) Provide for coordination among the different operating agencies
5 and components of the state training system at the state level and at
6 the regional level.

7 (7) Develop a consistent and reliable data base on vocational
8 education enrollments, costs, program activities, and job placements
9 from publicly funded vocational education programs in this state.

10 (8) Establish standards for data collection and maintenance for the
11 operating agencies of the state training system in a format that is
12 accessible to use by the board. The board shall require a minimum of
13 common core data to be collected by each operating agency of the state
14 training system.

15 The board shall develop requirements for minimum common core data
16 in consultation with the office of financial management and the
17 operating agencies of the training system.

18 (9) Establish minimum standards for program evaluation for the
19 operating agencies of the state training system, including, but not
20 limited to, the use of common survey instruments and procedures for
21 measuring perceptions of program participants and employers of program
22 participants, and monitor such program evaluation.

23 (10) Every two years administer scientifically based outcome
24 evaluations of the state training system, including, but not limited
25 to, surveys of program participants, surveys of employers of program
26 participants, and matches with employment security department payroll
27 and wage files. Every five years administer scientifically based net-
28 impact and cost benefit evaluations of the state training system.

29 (11) In cooperation with the employment security department,
30 provide for the improvement and maintenance of quality and utility in
31 occupational information and forecasts for use in training system
32 planning and evaluation. Improvements shall include, but not be
33 limited to, development of state based occupational change factors
34 involving input by employers and employees, and delineation of skill
35 and training requirements by education level associated with current
36 and forecasted occupations.

37 (12) Provide for the development of common course description
38 formats, common reporting requirements, and common definitions for
39 operating agencies of the training system.

- 1 ~~(13) Provide for effectiveness and efficiency reviews of the state~~
2 ~~training system.~~
- 3 ~~(14) In cooperation with the higher education coordinating board,~~
4 ~~facilitate transfer of credit policies and agreements between~~
5 ~~institutions of the state training system, and encourage articulation~~
6 ~~agreements for programs encompassing two years of secondary work force~~
7 ~~education and two years of postsecondary work force education.~~
- 8 ~~(15) In cooperation with the higher education coordinating board,~~
9 ~~facilitate transfer of credit policies and agreements between private~~
10 ~~training institutions and institutions of the state training system.~~
- 11 ~~(16) Participate in the development of coordination criteria for~~
12 ~~activities under the job training partnership act with related programs~~
13 ~~and services provided by state and local education and training~~
14 ~~agencies.~~
- 15 ~~(17) Make recommendations to the commission of student assessment,~~
16 ~~the state board of education, and the superintendent of public~~
17 ~~instruction, concerning basic skill competencies and essential core~~
18 ~~competencies for K-12 education. Basic skills for this purpose shall~~
19 ~~be reading, writing, computation, speaking, and critical thinking,~~
20 ~~essential core competencies for this purpose shall be English, math,~~
21 ~~science/technology, history, geography, and critical thinking. The~~
22 ~~board shall monitor the development of and provide advice concerning~~
23 ~~secondary curriculum which integrates vocational and academic~~
24 ~~education.~~
- 25 ~~(18) Establish and administer programs for marketing and outreach~~
26 ~~to businesses and potential program participants.~~
- 27 ~~(19) Facilitate the location of support services, including but not~~
28 ~~limited to, child care, financial aid, career counseling, and job~~
29 ~~placement services, for students and trainees at institutions in the~~
30 ~~state training system, and advocate for support services for trainees~~
31 ~~and students in the state training system.~~
- 32 ~~(20) Facilitate private sector assistance for the state training~~
33 ~~system, including but not limited to: Financial assistance, rotation~~
34 ~~of private and public personnel, and vocational counseling.~~
- 35 ~~(21) Facilitate programs for school-to-work transition that combine~~
36 ~~classroom education and on-the-job training in industries and~~
37 ~~occupations without a significant number of apprenticeship programs.~~
- 38 ~~(22) Encourage and assess progress for the equitable representation~~
39 ~~of racial and ethnic minorities, women, and people with disabilities~~

1 among the students, teachers, and administrators of the state training
2 system. Equitable, for this purpose, shall mean substantially
3 proportional to their percentage of the state population in the
4 geographic area served. This function of the board shall in no way
5 lessen more stringent state or federal requirements for representation
6 of racial and ethnic minorities, women, and people with disabilities.

7 (23) Participate in the planning and policy development of governor
8 set-aside grants under P.L. 97-300, as amended.

9 (24) Administer veterans' programs, licensure of private vocational
10 schools, the job skills program, and the Washington award for
11 vocational excellence.

12 (25) Allocate funding from the state job training trust fund.

13 (26) Work with the director of community, trade, and economic
14 development to ensure coordination between work force training
15 priorities and that department's economic development efforts.

16 (27) Adopt rules as necessary to implement this chapter.

17 The board may delegate to the director any of the functions of this
18 section.)) Advocate for the state work force development system and for
19 meeting the needs of employers and the work force for the work force
20 development system.

21 (2) Establish and maintain an inventory of the programs of the
22 state work force development system and ensure that information is
23 provided to consumers and policymakers at the state and local level in
24 order to enable them to make informed choices.

25 (3) Assess employer and worker needs for work force training and
26 the gap between their needs and the public and private supply of work
27 force training. The assessments of employer and worker needs shall
28 include state-wide surveys of employers and workers. The survey sample
29 must be statistically representative of the state's employer and
30 employee population.

31 (4) Analyze the future employment needs of employers and develop
32 strategies to ensure that Washington residents are prepared to meet
33 those needs. The board shall work with industry, labor, and business
34 associations, the operating agencies, and the department of community,
35 trade, and economic development, and local work force investment
36 councils, to develop demand driven and targeted industry strategies to
37 build a world class work force.

38 (5) Develop and maintain a state unified plan for the work force
39 development system. The unified plan shall include:

1 (a) Assessments of the state's employment opportunities and skill
2 needs, the skills of the current and future work force, and the current
3 work force development system;

4 (b) Goals, objectives, and strategies for improving the work force
5 development system as a whole. This shall include goals, objectives,
6 and strategies for providing system services to low-income individuals
7 including recipients of temporary assistance for needy families. It
8 shall also include wage progression goals for recipients of temporary
9 assistance for needy families developed in conjunction with the
10 department of social and health services as required by RCW 74.08A.410;
11 and

12 (c) A description of the performance measurement system for work
13 force development.

14 (6) Work in collaboration with local work force development
15 councils to develop the state unified plan. Local work force
16 development councils shall provide input to the board in the
17 development of the state unified plan which articulate their local
18 strategy and needs.

19 (7) Work in partnership with the work related components of the
20 community service employment under Title V of the older Americans act;
21 training activities carried out through contracts with the United
22 States department of housing and urban development; and community
23 services block grants authorized under the national community service
24 act, to integrate these programs into the unified planning. The
25 governor may approve inclusion of these programs into the work force
26 development system.

27 (8) Review and make recommendations to the governor and the
28 legislature concerning the program plans of the operating agencies of
29 the state work force development system regarding consistency with the
30 unified plan.

31 (9) Recommend to the governor and the legislature strategies to
32 assure coordination and avoid duplication among the programs of the
33 work force development system.

34 (10) Design and implement a performance measurement system for work
35 force development in cooperation with the operating agencies,
36 including:

37 (a) Minimum standards for performance measurement for the state
38 work force development system including, but not limited to, the use of
39 common survey instruments and common performance indicators;

1 (b) Standards for data collection and maintenance for the operating
2 agencies of the state work force development system. The board shall
3 require a minimum of common core data to be collected by each operating
4 agency of the state work force development system;

5 (c) Evaluations of the state work force development system
6 including, but not limited to, outcome, net impact, and cost benefit
7 evaluations and surveys of program participants, surveys of employers
8 of program participants, and matches with employment security
9 department payroll and wage files;

10 (d) Standards for measuring the performance of local training
11 providers to enable consumers to make informed choices and gain access
12 to services they need;

13 (e) Recommendations to the governor and the legislature regarding
14 expected performance levels and incentives and sanctions for
15 performance outcomes for local work force development areas and state
16 work force development programs. The board shall assist the governor
17 in making decisions regarding the certification and decertification of
18 local work force development councils;

19 (f) The establishment of an incentive fund for work force
20 development, using federal funding for work force development programs,
21 and allocating dollars from the incentive fund to reward local work
22 force development councils and programs that produce exemplary results.
23 The operating agencies shall:

24 (i) Reward exceptional programs;

25 (ii) Take corrective actions when programs fail to meet minimum
26 performance standards established by the board under this section; and

27 (iii) Report to the board annually beginning December 31, 2001, on
28 corrective action taken and rewards granted.

29 Beginning July 1, 2002, the board shall report to the governor and
30 the legislature on operating agencies' actions to reward exceptional
31 programs and to correct and improve programs that fail to meet
32 performance standards established by the board;

33 (g) Information, provided to the governor and the legislature, on
34 the outcomes of work force development programs. Such information
35 shall include the following information on individuals who have
36 participated in the programs: Participant competencies, employment,
37 wages and earnings, receipt of public assistance, customer
38 satisfaction, and the public cost per benefit received; and

1 (h) When designing and implementing the performance measurement
2 system under this subsection, the unique circumstances of the K-12
3 system shall be taken into consideration.

4 (11) Review the plans of local work force development councils for
5 consistency with the state unified plan and recommend to the governor
6 whether local plans should be approved. The board shall provide
7 technical assistance to local work force development councils as
8 necessary. This shall include working with state operating agencies to
9 identify resources which can be made available to assist in the
10 development of the local unified plans.

11 (12) Work with local work force development councils and state
12 operating agencies to implement a one stop delivery system that is
13 seamless and consumer-based.

14 (13) For the purposes of enabling individuals to make smooth
15 transitions into the work force and back and forth between work force
16 development programs and employment, make recommendations regarding
17 generic workplace skills that individuals need in order to meet
18 employer expectations. The work force development board shall, in
19 cooperation with the operating agencies, identify assessments of
20 generic workplace skills and a certificate of workplace competency for
21 individuals who have mastered such skills. Operating agencies, with
22 programs that prepare people for entry-level employment, shall offer
23 training leading to the receipt of the certificate. The certificate
24 shall be recognized by operating agencies and among work force
25 development programs to avoid redundancy in training.

26 (14) Administer veterans' programs, licensure of private vocational
27 schools, and the Washington award for vocational excellence.

28 (15) Work with the director of community, trade, and economic
29 development to ensure coordination between work force training
30 priorities and that department's economic development efforts.

31 (16) Work in collaboration with local work force development
32 councils, small business organizations, and economic development
33 councils to create a coordinated and responsive system of outreach to
34 small business.

35 (17) Consult with programs, and the customers of programs in the
36 work force development system, in performing the board's duties.

37 (18) Complete the initial unified plan, program inventory, needs
38 assessments, outcome evaluations, recommendations on strategies to
39 assure coordination and avoid duplication, and the design of the

1 performance measurement system by July 1, 2000. The board shall update
2 the unified plan at least once every five years with more frequent
3 updates as necessary to respond to changes in employer and worker
4 needs, program performance, state and federal policy, and other changes
5 affecting the work force development system.

6 (19) Adopt rules as necessary to implement this chapter.

7 The board may delegate to the director any of the functions of this
8 section.

9 **Sec. 8.** RCW 74.08A.280 and 1997 c 58 s 315 are each amended to
10 read as follows:

11 (1) The legislature finds that moving those eligible for assistance
12 to self-sustaining employment is a goal of the WorkFirst program. It
13 is the intent of WorkFirst to aid a participant's progress to self-
14 sufficiency by allowing flexibility within the state-wide program to
15 reflect community resources, the local characteristics of the labor
16 market, and the composition of the caseload. Program success will be
17 enhanced through effective coordination at regional and local levels,
18 involving employers, labor representatives, educators, community
19 leaders, local governments, and social service providers.

20 (2) The department, through its regional offices, shall collaborate
21 with employers, recipients, frontline workers, educational
22 institutions, labor, (~~(private industry councils)~~) local work force
23 development councils, the work force (~~(training and education~~
24 ~~coordinating)~~) development board, community rehabilitation employment
25 programs, employment and training agencies, local governments, the
26 employment security department, and community action agencies to
27 develop work programs that are effective and work in their communities.
28 This collaboration by the department shall include placement of
29 WorkFirst recipients in training and skill development programs leading
30 to the portable certificate of workplace competency as identified by
31 the work force development board. For planning purposes, the
32 department shall collect and make accessible to regional offices
33 successful work program models from around the United States, including
34 the employment partnership program, apprenticeship programs,
35 microcredit, microenterprise, self-employment, and W-2 Wisconsin works.
36 Work programs shall incorporate local volunteer citizens in their
37 planning and implementation phases to ensure community relevance and
38 success.

1 (3) To reduce administrative costs and to ensure equal state-wide
2 access to services, the department may develop contracts for state-wide
3 welfare-to-work services. These state-wide contracts shall support
4 regional flexibility and ensure that resources follow local labor
5 market opportunities and recipients' needs.

6 (4) The secretary shall establish WorkFirst service areas for
7 purposes of planning WorkFirst programs and for distributing WorkFirst
8 resources. Service areas shall reflect department regions.

9 (5) By July 31st of each odd-numbered year, a plan for the
10 WorkFirst program shall be developed for each region. The plan shall
11 be prepared in consultation with local and regional sources, adapting
12 the state-wide WorkFirst program to achieve maximum effect for the
13 participants and the communities within which they reside. Local
14 consultation shall include to the greatest extent possible input from
15 local and regional planning bodies for social services and work force
16 development. The regional and local administrator shall consult with
17 employers of various sizes, labor representatives, training and
18 education providers, program participants, economic development
19 organizations, community organizations, tribes, and local governments
20 in the preparation of the service area plan.

21 (6) The secretary has final authority in plan approval or
22 modification. Regional program implementation may deviate from the
23 state-wide program if specified in a service area plan, as approved by
24 the secretary.

25 **Sec. 9.** RCW 74.08A.410 and 1997 c 58 s 702 are each amended to
26 read as follows:

27 (1) The WorkFirst program shall develop outcome measures for use in
28 evaluating the WorkFirst program authorized in chapter 58, Laws of
29 1997, which (~~may~~) shall include but are not limited to:

30 (a) Caseload reduction;

31 (b) Recidivism to caseload after two years;

32 (c) Job retention;

33 (d) Earnings;

34 (e) Reduction in average grant through increased recipient
35 earnings; (~~and~~)

36 (f) Placement of recipients into private sector, unsubsidized jobs;
37 and

1 (g) Wage progression history following former temporary assistance
2 for needy families participants for at least two years.

3 (2) The department shall establish, in conjunction with the work
4 force development board, measurable wage goals for participants
5 transitioning from WorkFirst to unsubsidized employment.

6 (3) The department shall require that contractors for WorkFirst
7 services collect outcome measure information and report outcome
8 measures to the department regularly. The department shall develop
9 benchmarks that compare outcome measure information from all
10 contractors to provide a clear indication of the most effective
11 contractors. Benchmark information shall be published quarterly and
12 provided to the legislature, the governor, and all contractors for
13 WorkFirst services.

14 NEW SECTION. Sec. 10. A new section is added to chapter 28C.18
15 RCW to read as follows:

16 There are hereby created local work force development councils to
17 serve functions including, but not limited to, those specified for
18 local work force development councils under P.L. 105-220. The
19 governor, in partnership with the state board, shall establish criteria
20 for use by chief elected officials in the local areas for appointment
21 of members of the local councils. Local work force development
22 councils shall:

23 (1) In partnership with local elected officials, develop and
24 maintain a local unified plan for the work force development system
25 including but not limited to the local plan required by P.L. 105-220
26 Title I. The unified plan shall include assessments of local
27 employment opportunities and skills needs, the current and future work
28 force, and the current work force development system; and include
29 goals, objectives, and strategies for the local work force development
30 system. The unified plan shall also:

31 (a) Identify the work force development moneys available in the
32 area, their allocations, and the results of the work force development
33 programs in the area;

34 (b) Assess the gap between the supply of resources and the skill
35 needs of the area; and

36 (c) Include the local work force development council's proposed
37 spending plan for carrying out the local unified plan, and include the
38 planned budget expenditures of work force development programs in the

1 area. Local program administrators shall use the local unified plan to
2 guide the development and implementation of their local program plan.

3 Local work force development councils shall submit their unified
4 plans to the governor for approval and the plan should be consistent
5 with the state unified plan.

6 (2) Conduct oversight over the local one stop system under P.L.
7 105-220 Title 1(b).

8 (3) Coordinate work force development activities at the local level
9 and ensure a linkage with local economic development strategies.

10 (4) Provide for a coordinated and responsive system of outreach to
11 employers to include the establishment of public and private
12 partnerships of local brokers to connect small businesses to work force
13 training programs and resources. Brokers may include, but not be
14 limited to, industry and trade associations, chambers of commerce,
15 central labor councils, other labor organizations, and other
16 organizations with strong linkages to employers. Broker services may
17 include communicating small business needs to training providers,
18 pooling the specific training needs of several small employers to
19 create cost-effective demand, and supporting the growth of
20 apprenticeship programs.

21 (5) Identify eligible providers of training services.

22 (6) Assess the planning process to identify quality improvements.

23 (7) Execute a master partnership agreement with local elected
24 officials that establishes the working relationships and specifies
25 responsibilities of each body in the partnership.

26 **Sec. 11.** RCW 43.330.080 and 1997 c 60 s 1 are each amended to read
27 as follows:

28 (1) The department shall contract with associate development
29 organizations or other local organizations to increase the support for
30 and coordination of community and economic development services in
31 communities or regional areas. The organizations contracted with in
32 each community or regional area shall be broadly representative of
33 community and economic interests. The organization shall be capable of
34 identifying key economic and community development problems, developing
35 appropriate solutions, and mobilizing broad support for recommended
36 initiatives. The contracting organization shall work with and include
37 local governments, local chambers of commerce, (~~private industry~~)
38 local work force development councils, port districts, labor groups,

1 institutions of higher education, community action programs, and other
2 appropriate private, public, or nonprofit community and economic
3 development groups. The department shall be responsible for
4 determining the scope of services delivered under these contracts.

5 (2) Associate development organizations or other local development
6 organizations contracted with shall promote and coordinate, through
7 local service agreements with local governments, small business
8 development centers, port districts, community and technical colleges,
9 private industry councils, and other development organizations, for the
10 efficient delivery of community and economic development services in
11 their areas.

12 (3) The department shall (~~consult with associate development~~
13 ~~organizations, port districts, local governments, and other local~~
14 ~~development organizations in the establishment of~~) establish local
15 service delivery regions throughout the state that match the regions
16 established for local work force development councils. The legislature
17 encourages local associate development organizations to form
18 partnerships with other associate development organizations in their
19 region to combine resources for better access to available services, to
20 encourage regional delivery of state services, and to build the local
21 capacity of communities in the region more effectively.

22 (4) The department shall contract on a regional basis for surveys
23 of key sectors of the regional economy and the coordination of
24 technical assistance to businesses and employees within the key
25 sectors. The department's selection of contracting organizations or
26 consortiums shall be based on the sufficiency of the organization's or
27 consortium's proposal to examine key sectors of the local economy
28 within its region adequately and its ability to coordinate the delivery
29 of services required by businesses within the targeted sectors.
30 Organizations contracting with the department shall work closely with
31 the department to examine the local economy and to develop strategies
32 to focus on developing key sectors that show potential for long-term
33 sustainable growth. The contracting organization shall survey
34 businesses and employees in targeted sectors on a periodic basis to
35 gather information on the sector's business needs, expansion plans,
36 relocation decisions, training needs, potential layoffs, financing
37 needs, availability of financing, and other appropriate information
38 about economic trends and specific employer and employee needs in the
39 region.

1 (5) (~~The contracting~~) Any associate development organization or
2 other local organization contracting with the department under this
3 section shall participate with the work force (~~training and education~~
4 e~~o~~ordinating)) development board and local work force development
5 councils, as created in chapter 28C.18 RCW, (~~and any regional entities~~
6 designated by that board,) in providing for the coordination of job
7 skills training within (~~its region~~) local areas. Such participation
8 shall include assistance in the development of a coordinated and
9 responsive system of outreach to employers and technical assistance to
10 brokers as provided in section 10 of this act.

11 **Sec. 12.** RCW 50.38.050 and 1993 c 62 s 5 are each amended to read
12 as follows:

13 The department shall have the following duties:

14 (1) Oversight and management of a state-wide comprehensive labor
15 market and occupational supply and demand information system, including
16 development of a five-year employment forecast for state and labor
17 market areas;

18 (2) Produce local labor market information packages for the state's
19 counties, including special studies and job impact analyses in support
20 of state and local employment, training, education, and job creation
21 programs, especially activities that prevent job loss, reduce
22 unemployment, and create jobs;

23 (3) Coordinate with the office of financial management and the
24 office of the forecast council to improve employment estimates by
25 enhancing data on corporate officers, improving business establishment
26 listings, expanding sample for employment estimates, and developing
27 business entry/exit analysis relevant to the generation of occupational
28 and economic forecasts; (~~and~~)

29 (4) In cooperation with the office of financial management, produce
30 long-term industry and occupational employment forecasts. These
31 forecasts shall be consistent with the official economic and revenue
32 forecast council biennial economic and revenue forecasts; and

33 (5) Provide labor market information needed for the state work
34 force development board to fulfill its duties under RCW 28C.04.060.

35 **Sec. 13.** RCW 50.67.010 and 1991 c 238 s 14 are each amended to
36 read as follows:

1 (1) (~~There is hereby created the Washington state job training~~
2 ~~coordinating council for so long as a state council is required by~~
3 ~~federal law or regulation as a condition for receipt of federal funds.~~
4 ~~The council shall perform all duties of state job training coordinating~~
5 ~~council as specified in the federal job training partnership act, P.L.~~
6 ~~97-300, as amended, including the preparation of a coordination and~~
7 ~~special services plan for a two year period, consistent with the state~~
8 ~~comprehensive plan for work force training and education prepared by~~
9 ~~the work force training and education coordinating board as provided~~
10 ~~for in RCW 28C.18.060.~~

11 (2) ~~The work force training and education coordinating board shall~~
12 ~~monitor the need for the council as described in subsection (1) of this~~
13 ~~section, and, if that need no longer exists, propose legislation to~~
14 ~~terminate the council.))~~ The duties of the job training coordinating
15 council described in section 122 of P.L. 97-300 shall be performed by
16 the work force development board until July 1, 2000.

17 (2) This section expires July 1, 2000.

18 NEW SECTION. Sec. 14. The department is responsible to prepare
19 the following elements for the program plan required by the work force
20 investment act of 1998 (P.L. 105-220) which include:

21 (1) Detailed plans required under section 8 of the Wagner-Peyser
22 act (29 U.S.C. 49g);

23 (2) Assurances that the state will provide, in accordance with
24 section 184 of the work force investment act, for fiscal control and
25 fund accounting procedures that are necessary to ensure the proper
26 disbursement of, and accounting for, funds paid to the state through
27 the allotments made under sections 127 and 132 of the work force
28 investment act;

29 (3)(a) A description of the methods and factors the state will use
30 in distributing funds to local areas for youth activities and adult
31 employment and training activities under sections 128(b)(3)(B) and
32 133(b)(3)(B) of the work force investment act, including:

33 (i) A description of how the individuals and entities represented
34 on the work force development board were involved in determining such
35 methods and factors of distribution; and

36 (ii) A description of how that state consulted with chief elected
37 officials in local areas throughout the state in determining such
38 distribution; and

1 (b) Assurances that the funds will be distributed equitably
2 throughout the state, and that no local areas will suffer significant
3 shifts in funding from year to year; and

4 (c) A description of the formula prescribed by the governor
5 pursuant to section 133(b)(2)(B) of the work force investment act for
6 the allocation of funds to local areas for dislocated worker employment
7 and training activities;

8 (4) With respect to the one stop delivery systems described in
9 section 134(c) of the work force investment act, a description of the
10 operational strategy of the state for assisting local areas in
11 development and implementation of fully operational one stop delivery
12 systems in the state;

13 (5) A description of the competitive process to be used by the
14 state to award grants and contracts in the state for activities carried
15 out under the work force investment act;

16 (6) With respect to the employment and training activities
17 authorized in section 134 of the work force investment act:

18 (a) The employment and training activities that will be carried out
19 with the funds received by the state through the allotment made under
20 section 132 of the work force investment act;

21 (b) How the state will provide rapid response activities to
22 dislocated workers from funds reserved under section 133(a)(2) of the
23 work force investment act for such purposes, including the designation
24 of an identifiable state rapid response dislocated worker unit to carry
25 out state-wide rapid response activities; and

26 (c) With other state operating agencies, how the state will serve
27 the employment and training needs of dislocated workers, including
28 displaced homemakers; low-income individuals, including recipients of
29 public assistance; individuals training for nontraditional employment;
30 and other individuals with multiple barriers to employment, including
31 older individuals and individuals with disabilities;

32 (7) With respect to youth activities authorized in section 129 of
33 the work force investment act, information:

34 (a) Describing the state strategy for providing comprehensive
35 services to eligible youth, particularly those eligible youth who are
36 recognized as having significant barriers to employment;

37 (b) Describing how that state will coordinate the youth activities
38 carried out in the state under section 129 of the work force investment

1 act with the services provided by job corps centers in the state, where
2 such centers exist; and

3 (c) Describing how the state will coordinate youth activities
4 described in subparagraph (C) of the work force investment act with
5 activities carried out through the youth opportunity grants under
6 section 169 of the work force investment act; and

7 (8) With respect to all program activities of the department, a
8 description of how department resources are allocated to support the
9 implementation of unified planning by the work force development board
10 and the implementation of local unified plans.

11 NEW SECTION. **Sec. 15.** The department shall receive federal funds
12 authorized under the work force investment act of 1998 (P.L. 105-220)
13 Title 1B and recommend to the governor the allocation of the funds to
14 support this chapter, chapter 28C.18 RCW, and the work force investment
15 act.

16 **Sec. 16.** RCW 50.13.060 and 1997 c 409 s 605 and 1997 c 58 s 1004
17 are each reenacted and amended to read as follows:

18 (1) Governmental agencies, including law enforcement agencies,
19 prosecuting agencies, and the executive branch, whether state, local,
20 or federal shall have access to information or records deemed private
21 and confidential under this chapter if the information or records are
22 needed by the agency for official purposes and:

23 (a) The agency submits an application in writing to the employment
24 security department for the records or information containing a
25 statement of the official purposes for which the information or records
26 are needed and specific identification of the records or information
27 sought from the department; and

28 (b) The director, commissioner, chief executive, or other official
29 of the agency has verified the need for the specific information in
30 writing either on the application or on a separate document; and

31 (c) The agency requesting access has served a copy of the
32 application for records or information on the individual or employing
33 unit whose records or information are sought and has provided the
34 department with proof of service. Service shall be made in a manner
35 which conforms to the civil rules for superior court. The requesting
36 agency shall include with the copy of the application a statement to
37 the effect that the individual or employing unit may contact the public

1 records officer of the employment security department to state any
2 objections to the release of the records or information. The
3 employment security department shall not act upon the application of
4 the requesting agency until at least five days after service on the
5 concerned individual or employing unit. The employment security
6 department shall consider any objections raised by the concerned
7 individual or employing unit in deciding whether the requesting agency
8 needs the information or records for official purposes.

9 (2) The requirements of subsections (1) and (9) of this section
10 shall not apply to the state legislative branch. The state legislature
11 shall have access to information or records deemed private and
12 confidential under this chapter, if the legislature or a legislative
13 committee finds that the information or records are necessary and for
14 official purposes. If the employment security department does not make
15 information or records available as provided in this subsection, the
16 legislature may exercise its authority granted by chapter 44.16 RCW.

17 (3) In cases of emergency the governmental agency requesting access
18 shall not be required to formally comply with the provisions of
19 subsection (1) of this section at the time of the request if the
20 procedures required by subsection (1) of this section are complied with
21 by the requesting agency following the receipt of any records or
22 information deemed private and confidential under this chapter. An
23 emergency is defined as a situation in which irreparable harm or damage
24 could occur if records or information are not released immediately.

25 (4) The requirements of subsection (1)(c) of this section shall not
26 apply to governmental agencies where the procedures would frustrate the
27 investigation of possible violations of criminal laws or to the release
28 of employing unit names, addresses, number of employees, and aggregate
29 employer wage data for the purpose of state governmental agencies
30 preparing small business economic impact statements under chapter 19.85
31 RCW or preparing cost-benefit analyses under RCW 34.05.328(1)(c).
32 Information provided by the department and held to be private and
33 confidential under state or federal laws must not be misused or
34 released to unauthorized parties. A person who misuses such
35 information or releases such information to unauthorized parties is
36 subject to the sanctions in RCW 50.13.080.

37 (5) Governmental agencies shall have access to certain records or
38 information, limited to such items as names, addresses, social security
39 numbers, and general information about benefit entitlement or employer

1 information possessed by the department, for comparison purposes with
2 records or information possessed by the requesting agency to detect
3 improper or fraudulent claims, or to determine potential tax liability
4 or employer compliance with registration and licensing requirements.
5 In those cases the governmental agency shall not be required to comply
6 with subsection (1)(c) of this section, but the requirements of the
7 remainder of subsection (1) of this section must be satisfied.

8 (6) Governmental agencies may have access to certain records and
9 information, limited to employer information possessed by the
10 department for purposes authorized in chapter 50.38 RCW. Access to
11 these records and information is limited to only those individuals
12 conducting authorized statistical analysis, research, and evaluation
13 studies. Only in cases consistent with the purposes of chapter 50.38
14 RCW are government agencies not required to comply with subsection
15 (1)(c) of this section, but the requirements of the remainder of
16 subsection (1) of this section must be satisfied. Information provided
17 by the department and held to be private and confidential under state
18 or federal laws shall not be misused or released to unauthorized
19 parties subject to the sanctions in RCW 50.13.080.

20 (7) Disclosure to governmental agencies of information or records
21 obtained by the employment security department from the federal
22 government shall be governed by any applicable federal law or any
23 agreement between the federal government and the employment security
24 department where so required by federal law. When federal law does not
25 apply to the records or information state law shall control.

26 (8) The department may provide information for purposes of
27 statistical analysis and evaluation of the WorkFirst program or any
28 successor state welfare program, the department of social and health
29 services, the office of financial management, and other governmental
30 entities with oversight or evaluation responsibilities for the program
31 ((shall have access to employer wage information on clients in the
32 program whose names and social security numbers are provided to the
33 department)) in accordance with RCW 43.20A.080. The confidential
34 information provided by the department shall remain the property of the
35 department and may be used by the authorized requesting agencies only
36 for statistical analysis, research, and evaluation purposes as provided
37 in RCW 74.08A.410 and 74.08A.420. The department of social and health
38 services ((is)), the office of financial management, or other
39 governmental entities with oversight or evaluation responsibilities for

1 the program are not required to comply with subsection (1)(c) of this
2 section, but the requirements of the remainder of subsection (1) of
3 this section and applicable federal laws and regulations must be
4 satisfied. The confidential information used for evaluation and
5 analysis of welfare reform supplied to the authorized requesting
6 entities with regard to the WorkFirst program or any successor state
7 welfare program are exempt from public inspection and copying under RCW
8 42.17.310.

9 (9) The disclosure of any records or information by a governmental
10 agency which has obtained the records or information under this section
11 is prohibited unless the disclosure is directly connected to the
12 official purpose for which the records or information were obtained.

13 (10) In conducting periodic salary or fringe benefit studies
14 pursuant to law, the department of personnel shall have access to
15 records of the employment security department as may be required for
16 such studies. For such purposes, the requirements of subsection (1)(c)
17 of this section need not apply.

18 (11) To promote the reemployment of job seekers, the commissioner
19 may enter into data-sharing contracts with partners of the one-stop
20 career development system. The contracts shall provide for the
21 exchange of data only to the extent that the exchange is necessary for
22 the efficient provisions of work force programs, including but not
23 limited to public labor exchange, unemployment insurance, worker
24 training and retraining, vocational rehabilitation, vocational
25 education, adult education, transition from public assistance, and
26 support services. The exchange of information under contracts with
27 one-stop partners is exempt from subsections (1), (5), and (6) of this
28 section.

29 (12) To facilitate improved operation and evaluation of state
30 programs, the commissioner may enter into data-sharing contracts with
31 other state agencies only to the extent that such exchange is necessary
32 for the efficient operation or evaluation of outcomes for those
33 programs. The exchange of information by contract under this
34 subsection is exempt from subsection (1)(c) of this section.

35 (13) The misuse or unauthorized release of records or information
36 by any person or organization to which access is permitted by this
37 chapter subjects the person or organization to a civil penalty of five
38 thousand dollars and other applicable sanctions under state and federal
39 law. Suit to enforce this section shall be brought by the attorney

1 general and the amount of any penalties collected shall be paid into
2 the employment security department administrative contingency fund.
3 The attorney general may recover reasonable attorneys' fees for any
4 action brought to enforce this section.

5 **Sec. 17.** RCW 42.17.310 and 1998 c 69 s 1 are each amended to read
6 as follows:

7 (1) The following are exempt from public inspection and copying:

8 (a) Personal information in any files maintained for students in
9 public schools, patients or clients of public institutions or public
10 health agencies, or welfare recipients.

11 (b) Personal information in files maintained for employees,
12 appointees, or elected officials of any public agency to the extent
13 that disclosure would violate their right to privacy.

14 (c) Information required of any taxpayer in connection with the
15 assessment or collection of any tax if the disclosure of the
16 information to other persons would (i) be prohibited to such persons by
17 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the
18 taxpayer's right to privacy or result in unfair competitive
19 disadvantage to the taxpayer.

20 (d) Specific intelligence information and specific investigative
21 records compiled by investigative, law enforcement, and penology
22 agencies, and state agencies vested with the responsibility to
23 discipline members of any profession, the nondisclosure of which is
24 essential to effective law enforcement or for the protection of any
25 person's right to privacy.

26 (e) Information revealing the identity of persons who are witnesses
27 to or victims of crime or who file complaints with investigative, law
28 enforcement, or penology agencies, other than the public disclosure
29 commission, if disclosure would endanger any person's life, physical
30 safety, or property. If at the time a complaint is filed the
31 complainant, victim or witness indicates a desire for disclosure or
32 nondisclosure, such desire shall govern. However, all complaints filed
33 with the public disclosure commission about any elected official or
34 candidate for public office must be made in writing and signed by the
35 complainant under oath.

36 (f) Test questions, scoring keys, and other examination data used
37 to administer a license, employment, or academic examination.

1 (g) Except as provided by chapter 8.26 RCW, the contents of real
2 estate appraisals, made for or by any agency relative to the
3 acquisition or sale of property, until the project or prospective sale
4 is abandoned or until such time as all of the property has been
5 acquired or the property to which the sale appraisal relates is sold,
6 but in no event shall disclosure be denied for more than three years
7 after the appraisal.

8 (h) Valuable formulae, designs, drawings, and research data
9 obtained by any agency within five years of the request for disclosure
10 when disclosure would produce private gain and public loss.

11 (i) Preliminary drafts, notes, recommendations, and intra-agency
12 memorandums in which opinions are expressed or policies formulated or
13 recommended except that a specific record shall not be exempt when
14 publicly cited by an agency in connection with any agency action.

15 (j) Records which are relevant to a controversy to which an agency
16 is a party but which records would not be available to another party
17 under the rules of pretrial discovery for causes pending in the
18 superior courts.

19 (k) Records, maps, or other information identifying the location of
20 archaeological sites in order to avoid the looting or depredation of
21 such sites.

22 (l) Any library record, the primary purpose of which is to maintain
23 control of library materials, or to gain access to information, which
24 discloses or could be used to disclose the identity of a library user.

25 (m) Financial information supplied by or on behalf of a person,
26 firm, or corporation for the purpose of qualifying to submit a bid or
27 proposal for (i) a ferry system construction or repair contract as
28 required by RCW 47.60.680 through 47.60.750 or (ii) highway
29 construction or improvement as required by RCW 47.28.070.

30 (n) Railroad company contracts filed prior to July 28, 1991, with
31 the utilities and transportation commission under RCW 81.34.070, except
32 that the summaries of the contracts are open to public inspection and
33 copying as otherwise provided by this chapter.

34 (o) Financial and commercial information and records supplied by
35 private persons pertaining to export services provided pursuant to
36 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
37 export projects pursuant to RCW 43.23.035.

38 (p) Financial disclosures filed by private vocational schools under
39 chapters 28B.85 and 28C.10 RCW.

1 (q) Records filed with the utilities and transportation commission
2 or attorney general under RCW 80.04.095 that a court has determined are
3 confidential under RCW 80.04.095.

4 (r) Financial and commercial information and records supplied by
5 businesses or individuals during application for loans or program
6 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
7 or during application for economic development loans or program
8 services provided by any local agency.

9 (s) Membership lists or lists of members or owners of interests of
10 units in timeshare projects, subdivisions, camping resorts,
11 condominiums, land developments, or common-interest communities
12 affiliated with such projects, regulated by the department of
13 licensing, in the files or possession of the department.

14 (t) All applications for public employment, including the names of
15 applicants, resumes, and other related materials submitted with respect
16 to an applicant.

17 (u) The residential addresses and residential telephone numbers of
18 employees or volunteers of a public agency which are held by the agency
19 in personnel records, employment or volunteer rosters, or mailing lists
20 of employees or volunteers.

21 (v) The residential addresses and residential telephone numbers of
22 the customers of a public utility contained in the records or lists
23 held by the public utility of which they are customers, except that
24 this information may be released to the division of child support or
25 the agency or firm providing child support enforcement for another
26 state under Title IV-D of the federal social security act, for the
27 establishment, enforcement, or modification of a support order.

28 (w)(i) The federal social security number of individuals governed
29 under chapter 18.130 RCW maintained in the files of the department of
30 health, except this exemption does not apply to requests made directly
31 to the department from federal, state, and local agencies of
32 government, and national and state licensing, credentialing,
33 investigatory, disciplinary, and examination organizations; (ii) the
34 current residential address and current residential telephone number of
35 a health care provider governed under chapter 18.130 RCW maintained in
36 the files of the department, if the provider requests that this
37 information be withheld from public inspection and copying, and
38 provides to the department an accurate alternate or business address
39 and business telephone number. On or after January 1, 1995, the

1 current residential address and residential telephone number of a
2 health care provider governed under RCW 18.130.140 maintained in the
3 files of the department shall automatically be withheld from public
4 inspection and copying unless the provider specifically requests the
5 information be released, and except as provided for under RCW
6 42.17.260(9).

7 (x) Information obtained by the board of pharmacy as provided in
8 RCW 69.45.090.

9 (y) Information obtained by the board of pharmacy or the department
10 of health and its representatives as provided in RCW 69.41.044,
11 69.41.280, and 18.64.420.

12 (z) Financial information, business plans, examination reports, and
13 any information produced or obtained in evaluating or examining a
14 business and industrial development corporation organized or seeking
15 certification under chapter 31.24 RCW.

16 (aa) Financial and commercial information supplied to the state
17 investment board by any person when the information relates to the
18 investment of public trust or retirement funds and when disclosure
19 would result in loss to such funds or in private loss to the providers
20 of this information.

21 (bb) Financial and valuable trade information under RCW 51.36.120.

22 (cc) Client records maintained by an agency that is a domestic
23 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
24 crisis center as defined in RCW 70.125.030.

25 (dd) Information that identifies a person who, while an agency
26 employee: (i) Seeks advice, under an informal process established by
27 the employing agency, in order to ascertain his or her rights in
28 connection with a possible unfair practice under chapter 49.60 RCW
29 against the person; and (ii) requests his or her identity or any
30 identifying information not be disclosed.

31 (ee) Investigative records compiled by an employing agency
32 conducting a current investigation of a possible unfair practice under
33 chapter 49.60 RCW or of a possible violation of other federal, state,
34 or local laws prohibiting discrimination in employment.

35 (ff) Business related information protected from public inspection
36 and copying under RCW 15.86.110.

37 (gg) Financial, commercial, operations, and technical and research
38 information and data submitted to or obtained by the clean Washington

1 center in applications for, or delivery of, program services under
2 chapter 70.95H RCW.

3 (hh) Information and documents created specifically for, and
4 collected and maintained by a quality improvement committee pursuant to
5 RCW 43.70.510, regardless of which agency is in possession of the
6 information and documents.

7 (ii) Personal information in files maintained in a data base
8 created under RCW 43.07.360.

9 (jj) Financial and commercial information requested by the public
10 stadium authority from any person or organization that leases or uses
11 the stadium and exhibition center as defined in RCW 36.102.010.

12 (kk) Names of individuals residing in emergency or transitional
13 housing that are furnished to the department of revenue or a county
14 assessor in order to substantiate a claim for property tax exemption
15 under RCW 84.36.043.

16 (ll) The names, residential addresses, residential telephone
17 numbers, and other individually identifiable records held by an agency
18 in relation to a vanpool, carpool, or other ride-sharing program or
19 service. However, these records may be disclosed to other persons who
20 apply for ride-matching services and who need that information in order
21 to identify potential riders or drivers with whom to share rides.

22 (mm) Proprietary financial and commercial information that the
23 submitting entity, with review by the department of health,
24 specifically identifies at the time it is submitted and that is
25 provided to or obtained by the department of health in connection with
26 an application for, or the supervision of, an antitrust exemption
27 sought by the submitting entity under RCW 43.72.310. If a request for
28 such information is received, the submitting entity must be notified of
29 the request. Within ten business days of receipt of the notice, the
30 submitting entity shall provide a written statement of the continuing
31 need for confidentiality, which shall be provided to the requester.
32 Upon receipt of such notice, the department of health shall continue to
33 treat information designated under this section as exempt from
34 disclosure. If the requester initiates an action to compel disclosure
35 under this chapter, the submitting entity must be joined as a party to
36 demonstrate the continuing need for confidentiality.

37 (nn) Records maintained by the board of industrial insurance
38 appeals that are related to appeals of crime victims' compensation
39 claims filed with the board under RCW 7.68.110.

1 (oo) Financial and commercial information supplied by or on behalf
2 of a person, firm, corporation, or entity under chapter 28B.95 RCW
3 relating to the purchase or sale of tuition units and contracts for the
4 purchase of multiple tuition units.

5 (pp) Records maintained by the employment security department and
6 subject to chapter 50.13 RCW if provided to another individual or
7 organization for operational, research, or evaluation purposes.

8 (qq) Individually identifiable information received by the work
9 force development board for research or evaluation purposes.

10 (2) Except for information described in subsection (1)(c)(i) of
11 this section and confidential income data exempted from public
12 inspection pursuant to RCW 84.40.020, the exemptions of this section
13 are inapplicable to the extent that information, the disclosure of
14 which would violate personal privacy or vital governmental interests,
15 can be deleted from the specific records sought. No exemption may be
16 construed to permit the nondisclosure of statistical information not
17 descriptive of any readily identifiable person or persons.

18 (3) Inspection or copying of any specific records exempt under the
19 provisions of this section may be permitted if the superior court in
20 the county in which the record is maintained finds, after a hearing
21 with notice thereof to every person in interest and the agency, that
22 the exemption of such records is clearly unnecessary to protect any
23 individual's right of privacy or any vital governmental function.

24 (4) Agency responses refusing, in whole or in part, inspection of
25 any public record shall include a statement of the specific exemption
26 authorizing the withholding of the record (or part) and a brief
27 explanation of how the exemption applies to the record withheld.

28 **Sec. 18.** RCW 43.20A.080 and 1997 c 58 s 1005 are each amended to
29 read as follows:

30 (1) The department shall provide the employment security department
31 quarterly with the names ~~((and))~~, social security numbers, and program
32 information of all clients in the WorkFirst program and any successor
33 state welfare program needed to assess and improve the quality of the
34 employment outcomes.

35 (2) The information provided by the employment security department
36 under RCW 50.13.060 for statistical analysis and welfare program
37 evaluation purposes may be used only for statistical analysis,
38 research, and evaluation purposes as provided in RCW 74.08A.410 and

1 74.08A.420. ((Through individual matches with accessed employment
2 security department confidential employer wage files, only aggregate,
3 statistical, group level data shall be reported. Data sharing by the
4 employment security department may be extended to include the office of
5 financial management and other such governmental entities with
6 oversight responsibility for this program.))

7 (3) The department and other agencies of state government shall
8 protect the privacy of confidential personal data supplied under RCW
9 50.13.060 consistent with federal law, chapter 50.13 RCW, and the terms
10 and conditions of a formal data-sharing agreement between the
11 employment security department and agencies of state government,
12 however the misuse or unauthorized use of confidential data supplied by
13 the employment security department is subject to the penalties in RCW
14 50.13.080.

15 NEW SECTION. **Sec. 19.** The following acts or parts of acts are
16 each repealed:

17 (1) RCW 28C.18.070 (Intent--"Program" clarified) and 1995 c 130 s
18 1;

19 (2) RCW 28C.18.080 (Comprehensive plan--Contents--Updates--Agency
20 operating plans--Reports to the legislature) and 1997 c 369 s 5 & 1995
21 c 130 s 2;

22 (3) RCW 28C.18.090 (Additional board duties--Program evaluation by
23 operating agencies) and 1995 c 130 s 4;

24 (4) RCW 28C.18.100 (Assessments by board--Biennial report to
25 legislature and governor) and 1995 c 130 s 5;

26 (5) RCW 28C.18.110 (Identification of policies and methods to
27 promote efficiency and sharing of resources--Report to governor and
28 legislature) and 1995 c 130 s 6;

29 (6) RCW 50.67.020 (Membership of council--Assistance to work force
30 training and education coordinating board) and 1991 c 238 s 15; and

31 (7) RCW 50.67.030 (Washington youthbuild program--Council to
32 advise) and 1994 sp.s. c 3 s 8.

33 NEW SECTION. **Sec. 20.** Sections 14 and 15 of this act constitute
34 a new chapter in Title 50 RCW.

35 NEW SECTION. **Sec. 21.** If any part of this act is found to be in
36 conflict with federal requirements that are a prescribed condition to

1 the allocation of federal funds to the state, the conflicting part of
2 this act is inoperative solely to the extent of the conflict and with
3 respect to the agencies directly affected, and this finding does not
4 affect the operation of the remainder of this act in its application to
5 the agencies concerned. Rules adopted under this act must meet federal
6 requirements that are a necessary condition to the receipt of federal
7 funds by the state.

8 NEW SECTION. **Sec. 22.** If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 remainder of the act or the application of the provision to other
11 persons or circumstances is not affected.

12 NEW SECTION. **Sec. 23.** This act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of the
14 state government and its existing public institutions, and takes effect
15 immediately."

16 **SSB 5533** - S AMD - 124
17 By Senator Fairley

18 ADOPTED 3/11/99

19 On page 1, line 1 of the title, after "learning;" strike the
20 remainder of the title and insert "amending RCW 28C.18.010, 28C.18.020,
21 28C.18.030, 28C.18.040, 28C.18.050, 28C.18.060, 74.08A.280, 74.08A.410,
22 43.330.080, 50.38.050, 50.67.010, 42.17.310, and 43.20A.080; reenacting
23 and amending RCW 50.13.060; adding a new section to chapter 28C.18 RCW;
24 adding a new chapter to Title 50 RCW; creating new sections; repealing
25 RCW 28C.18.070, 28C.18.080, 28C.18.090, 28C.18.100, 28C.18.110,
26 50.67.020, and 50.67.030; prescribing penalties; providing an
27 expiration date; and declaring an emergency."

--- END ---